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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
MARYANNE PIZZA-DENNIS,

Plaintiff,

v.

**EMM GROUP HOLDINGS LLC and EMM GROUP
MANAGEMENT LLC,**

Defendants.
-----X

COMPLAINT

**DEMAND FOR JURY
TRIAL**

Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. This Court has original federal question jurisdiction under 28 U.S.C. § 1331 because this case is brought under the Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.* (“FLSA”).

2. Venue is proper in this District because Defendants conduct business in this District, and the acts and/or omissions giving rise to the claims herein alleged took place in this District.

THE PARTIES

3. All Defendants are hereinafter collectively referred to as “Defendants.”

4. Defendant EMM Group Management LLC is a New York corporation that owns and manages a chain of restaurants in New York.

5. Defendant EMM Group Management LLC is a New York corporation that is a holding corporation for a chain of restaurants in New York.

6. Plaintiff Maryanne Pizza-Dennis was employed by Defendants as a bookkeeper/accounts payable from March 2012 until July 2014.

FACTS

7. Defendants committed the following alleged acts knowingly, intentionally and willfully.

8. Defendants knew that nonpayment of minimum wages would economically injure Plaintiff and violate federal laws.

9. While employed by Defendants, Plaintiff typically worked at least 45-55 hours per week.

10. Defendants paid Plaintiff on a salary basis.

11. Plaintiff's salary totaled roughly \$56,000 per year.

12. Defendants did not compensate Plaintiff any overtime pay for hours she worked in excess of 40 hours per workweek, in violation of the FLSA.

FIRST CLAIM FOR RELIEF (FLSA Overtime Violations, 29 U.S.C. §§ 201 *et seq.*)

13. Plaintiff realleges and incorporates by reference all preceding paragraphs as if they were set forth again herein.

14. Throughout the relevant statute of limitations period, Plaintiff regularly worked in excess of forty (40) hours per workweek.

15. At all relevant times, Defendants willfully, regularly and repeatedly failed to pay Plaintiff at the required overtime rate of one and a half times her regular rate for hours worked in excess of forty (40) hours per workweek.

16. Plaintiff seeks damages in the amount of her unpaid overtime compensation, liquidated (double) damages as provided by the FLSA for overtime violations, attorneys' fees and costs, and such other legal and equitable relief as this Court deems just and proper.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

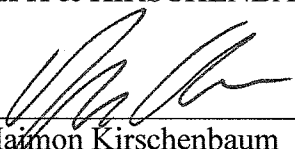
- A. An award of damages, according to proof, including liquidated damages, to be paid by Defendants;
- B. Liquidated damages and penalties available under applicable laws;
- C. Costs of action incurred herein, including expert fees;
- D. Attorneys' fees, including fees pursuant to 29 U.S.C. § 216;
- E. Pre-judgment and post-judgment interest, as provided by law; and
- F. Such other and further legal and equitable relief as this Court deems necessary, just and proper.

Dated: New York, New York
July 8, 2015

Respectfully submitted,

JOSEPH & KIRSCHENBAUM LLP

By:



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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all causes of action and claims with respect to which she has a right to jury trial.